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| 09/839,526   | 04/20/2001  | Dietrich Charisius   | 7399-015            | 2147             |
| 4678 7590 10/27/2008<br>MACCORD MASON PLLC<br>300 N. GREENE STREET, SUITE 1600<br>P. O. BOX 2974<br>GREENSBORO, NC 27402 |             |                      |                     |                  |
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| WOOD, WILLIAM H  |             |                      |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/839,526

**Applicant(s)**

CHARISIUS ET AL.

**Examiner**

William H. Wood

**Art Unit**

2193

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7-28, 31-65, 68-89 and 92-136 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-28, 31-65, 68-89 and 92-136 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-4, 7-28, 31-65, 68-89, 92-136 are pending and have been examined.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11 August 2008 has been entered.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4, 7-28, 31-65, 68-89, 92-136 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The originally filed disclosure does not provide support for steps performed "without user interaction". The sections cited in Applicant's response received 11 August 2008 support a software

development tool performing actions. The sections do not indicate "without user interaction". Simply not mentioning or mentioning rarely a user does not disclose "without user interaction". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-15, 17-32, 34-76, 78- 93 and 95-136 are rejected under 35 U.S.C. 102(b) as being anticipated by **Walton** et al. (USPN 5,883,639).

#### **Claim 1**

**Walton** disclosed a method in a data processing system including a computer, comprising the steps of:

providing the computer with a software development tool having a user interface that is operable by a user to automatically reflect a modification in the source code to avoid completely regenerating the source code (*figure 1 and 17; the software tool/system and its execution environment*), wherein the software development tool includes computer instructions for performing the following (*column 8, lines 44-65, "The interface designer next creates and/or modifies the graphical objects in the drawing and*

*behavior editor 110 as desired using the available functions of the graphics editor of the designer's computer system. The resulting objects are then stored as objects in an object-oriented database system and connected to other objects or user code 120 in accordance with techniques commonly used in object-oriented systems.”) steps:*

receiving an identification of a data structure with an attribute field in a database of data structures useable to form an object-oriented element from the data structure (*figure 1, elements 100 and 110, selected components are data structures with attributes in a database, 100; column 8, lines 44-65, object-oriented code development*);

determining via the computer and without user interaction whether the data structure is associated with source code (*figure 1, elements 120 and 130, source code developed base on object components; the actual executed code of the software tool does not make use of user interaction, this is true for all uses of “without user interaction”, the computer and its software maintain and execute the executable code for making the system steps/actions function regardless of higher level user involvement*);

when it is determined that the data structure is associated with source code, determining via the computer and without user interaction whether the attribute, field of the data structure is associated with an attribute in the source code (*figure 1, elements 120 and 130, source code developed base on object components; column 8, lines 58-62*); and

when it is determined that the attribute field is not associated with an attribute in the source code, generating via the computer and without user interaction a new

attribute in the source code from the attribute field (*figure 1, elements 120 and 130, source code developed base on object components*); and

receiving user input to modify the source code (*figure 1, elements 120 and 130, source code developed base on object components; column 8, lines 44-65, "The interface designer next creates and/or modifies the graphical objects in the drawing and behavior editor 110 as desired using the available functions of the graphics editor of the designer's computer system. The resulting objects are then stored as objects in an object-oriented database system and connected to other objects or user code 120 in accordance with techniques commonly used in object-oriented systems."*)

modifying and displaying via the computer and without user interaction a graphical representation of the source code to reflect the source code modification (*column 9, lines 12-17; column 8, lines 51-62; thus the user manipulating the graphical objects alters the code which is "graphically represented" through the graphical objects*).

## **Claim 2**

**Walton** disclosed the method of claim 1, further comprising the steps of: when it is determined that the data structure is not associated with source code, retrieving a portion of the data structure; and generating the source code from the portion of the data structure (*column 8, lines 54-62; figure 1, elements 120 and 130; producing code from library/database of components*).

### **Claim 3**

**Walton** disclosed the method of claim 1, further comprising the steps of:

when it is determined that the data structure is associated with source code, determining whether a second attribute in the source code is associated with a second attribute field in the data structure (*figure 1, multiple components; figure 17*); and

when it is determined that a second attribute in the source code is not associated with a second attribute field in the data structure, removing the second attribute from the source code (*column 9, lines 13-15, "delete" components and thus code*).

### **Claim 4**

**Walton** disclosed the method of claim 3, wherein the step of removing the second attribute from the source code comprises the step of removing a method associated with the second attribute from the source code (*column 9, lines 13-15, "delete" components and thus code, including associated methods*).

### **Claim 5**

**Walton** disclosed the method of claim 3, further comprising the step of displaying a graphical representation of the source code (*figure 1, elements 110, 120 and 130*).

### **Claim 6**

**Walton** disclosed the method of claim 5, further comprising the step of modifying the graphical representation of the source code to reflect the generation of the new attribute (*column 9, lines 13-15, "create" components and thus code*).

### **Claim 7**

**Walton** disclosed the method of claim 5, further comprising the step of modifying the graphical representation of the source code to reflect the removal of the second attribute (*column 9, lines 13-15, "delete" components and thus code*).

### **Claim 8**

**Walton** disclosed the method of claim 1, wherein the step of determining whether the data structure is associated with the source code comprises the step of searching a comment in the source code for the identification of the data structure (*figure 2, note comments*).

### **Claim 9**

**Walton** disclosed the method of claim 1, wherein the step of determining whether the data structure is associated with the source code comprises the step of comparing a



name for the source code with the identification of the data structure (*figure 2, note comments*).

### **Claim 10**

**Walton** disclosed the method of claim 1, further comprising the steps of: retrieving access information for the database; and retrieving a portion of the data structure from the database using the access information (*figure 1, element 100 and 130*).

### **Claim 11**

**Walton** disclosed the method of claim 10, wherein the step of retrieving the access information comprises the step of retrieving the identification of the data structure and the access information from a configuration file (*figure 1, element 100 and 130*).

### **Claim 12**

**Walton** disclosed the method of claim 10, wherein the step of retrieving the access information comprises the step of retrieving the identification of the data structure and the access information from a comment of the source code (*figure 1, "include" statement also performs a commenting function*).

### **Claim 13**

**Walton** disclosed the method of claim 10, wherein the portion of the data structure comprises the attribute field of the data structure (*figure 1, elements 100 and 110, selecting and manipulating components*).

### **Claim 14**

**Walton** disclosed the method of claim 1, wherein the source code comprises a class (*column 8, lines 54-56*).

### **Claim 15**

**Walton** disclosed the method of claim 1, wherein the source code comprises a distributed computing component (*column 8, lines 54-56; distributed as far as from a database*).

### **Claim 17**

**Walton** disclosed the method of claim 1, wherein the step of generating the new attribute in the source code comprises the step of generating a method in the source code to access the attribute field of the data structure (*column 8, lines 54-56, "connected to other objects"*).

**Claims 18-32, 34-76, 78- 93 and 95-136**

The limitations of claims 18-76 and 78-136 correspond to the limitations found in method claims 1-17 and are rejected in the same manner.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16, 33, 77 and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Walton** et al. (USPN 5,883,639).

**Claims 16, 33, 77 and 94**

**Walton** did not explicitly state the method of claim 15, wherein the distributed computing component is an Enterprise JavaBean.TM. Official Notice is taken that it was known at the time of invention to make use of JavaBean components. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the components of **Walton** with including Enterprise JavaBean components. This implementation would have been obvious because one of ordinary skill in the art would be motivated to make use of all components on the market in-order to reach the largest available clientele.

***Response to Arguments***

Applicant's arguments filed 11 August 2008 have been fully considered but they are not persuasive. Applicant argues presumably argues the cited prior art, **Walton**, fails to disclose performing steps via a computer "without user interaction".

**Walton** does disclose performing steps by a computer without user interaction. As **Walton** discloses a software tool executed on a computer (column 3, lines 59-60). Whether or not a user makes use of or commands the tool to perform certain actions, the computer, executing the software tool, actually performs the steps. This execution is without user interaction. The computer and its software maintain the databases, attributes, fields, source code and the executable code for manipulating all these features. **Walton's** executable code does not, in the broadest reasonable interpretation of Applicant's claim language, perform the specific code implemented portion of the steps with user interaction.

Of course, a user does make use of the software found in the cited prior art. This is entirely consistent with Applicant's own claimed invention, as previously noted in the office action mailed 12 May 2008 and admitted in Applicant's response received 11 August 2008.

The rejections are maintained as indicated.

***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Tuesday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis A. Bullock Jr. can be reached on (571)-272-3759. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

/William H. Wood/  
William H. Wood  
Primary Examiner, Art Unit 2193  
October 27, 2008